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Attorneys for Defendant, Martin Goor,

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

JEAN T. DIMARIA, Individually, and as  
Administratrix of the Estate of GARY DIMARIA, and  
Derivatively on behalf of CONTRACT FURNITURE  
WAREHOUSE CORP., CONTRACT FURNITURE  
PAINTING, LLC, CONTRACT FURNITURE  
INSTALLATIONS, LLC, DEPENDABLE MOVING  
AND STORAGE, INC., DEPENDABLE MOVING  
AND STORAGE CORP., SERVICE EAST, INC., and  
CONTRACT FURNITURE TRANSPORTATION, LLC,

Plaintiffs,

v.

MARTIN GOOR; CFT-IOS, INC., RYAN GOOR,  
CONTRACT FURNITURE TRANSPORT, INC.,  
CONTRACT FURNITURE TRANSPORT  
ASSOCIATES, INC., CONTRACT FURNITURE  
WAREHOUSE CORP., CONTRACT FURNITURE  
PAINTING, LLC, CONTRACT FURNITURE  
INSTALLATIONS, LLC, DEPENDABLE MOVING  
AND STORAGE, INC., DEPENDABLE MOVING  
AND STORAGE CORP., and CONTRACT  
FURNITURE TRANSPORTATION, LLC,

Defendants.

Case No. 1:09-cv-1011(JG)

**NOTICE OF MOTION TO  
DISMISS CLAIMS AGAINST  
DEFENDANT  
MARTIN GOOR**

**TO:** Timothy C. Walsh, Esq.  
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Attorneys for Defendants CFT-IOS, Inc. and Ryan Goor

**PLEASE TAKE NOTICE THAT**, on July 8, 2011, at 10:30 a.m., before The Honorable John Gleeson, U.S.D.J., at the United States Courthouse for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201, or as soon thereafter as counsel may be heard, Defendant, Martin Goor (“Defendant”), by and through his attorneys, OlenderFeldman LLP, shall move pursuant to Fed. R. Civ. P. 12(b)(6) for an Order to Dismiss the Second, Third and Fourth Causes of Action in the Second Amended Complaint against Defendant for failure to state a claim upon which relief may be granted.

**PLEASE TAKE FURTHER NOTICE THAT** in support of his Motion, Defendant shall rely upon their Brief submitted herewith (which incorporates earlier Certifications submitted in this matter). Defendant also submits a proposed form of Order.

**PLEASE TAKE FURTHER NOTICE THAT** oral argument is requested if opposition is filed.

**OLENDERFELDMAN LLP**  
Attorneys for Defendant

BY:

  
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**MICHAEL J. FELDMAN**

DATED: May 2, 2011